

# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/748,203	12/27/2000	Takehiko Kawashima	HASE.0051	5372
7:	590 04/02/2003			
REED SMITH HAZEL & THOMAS Suite 1400 3110 Fairview Park Drive			EXAMINER	
			NELSON JR, MILTON	
McLean, VA	22042		ART UNIT	PAPER NUMBER
			3636	
			DATE MAILED: 04/02/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
			Applicant(s) KAWASHIMA, TAKEHIKO	
. •	Office Action Summary	09/748,203		
	Onice Action Summary	Examiner	Art Unit	
	The MAILING DATE of this communica	Milton Nelson, Jr.	th the correspondence address	
Period	for Reply	ation appears on the cover sheet wi	ur the correspondence address	
THE - Ex aft - If t - If t - Fa - An	HORTENED STATUTORY PERIOD FOR EMAILING DATE OF THIS COMMUNICATE of SIMPLE of THIS COMMUNICATE OF SIX (6) MONTHS from the mailing date of this community of the period for reply specified above is less than thirty (30) of the period for reply is specified above, the maximum statutiful reto reply within the set or extended period for reply will y reply received by the Office later than three months after med patent term adjustment. See 37 CFR 1.704(b).	ATION.  37 CFR 1.136(a). In no event, however, may a rication.  days, a reply within the statutory minimum of third ory period will apply and will expire SIX (6) MON I, by statute, cause the application to become AE	eply be timely filed  y (30) days will be considered timely.  THS from the mailing date of this communication  ANDONED (35 U.S.C. § 133).	ı.
1)⊠	Responsive to communication(s) filed	l on <u>16 January 2003</u> .		
2a)⊠	This action is FINAL. 2b	) This action is non-final.		
3) <u> </u>	Since this application is in condition for closed in accordance with the practical sition of Claims			S
4)⊠	Claim(s) <u>1-9</u> is/are pending in the app	lication.		
	4a) Of the above claim(s) 4-7 is/are wit	hdrawn from consideration.		
5)[	Claim(s) is/are allowed.			
6)⊠	Claim(s) <u>1-3,8 and 9</u> is/are rejected.			
7)[	Claim(s) is/are objected to.			
8)[	,	on and/or election requirement.		
_	ition Papers			
	The specification is objected to by the E		Francisco	
10)[_	The drawing(s) filed on is/are: a)	_ , ,_ ,_ ,		
111	Applicant may not request that any object  The proposed drawing correction filed of	• , ,	• •	
' '/∟	If approved, corrected drawings are requi		isapproved by the Examiner.	
12)[	The oath or declaration is objected to be			
,	under 35 U.S.C. §§ 119 and 120	, =		
	Acknowledgment is made of a claim for	or foreign priority under 35 U.S.C.	S 119(a)-(d) or (f)	
,	ı)⊠ Ali b)□ Some * c)□ None of:	ricioign phoney under co cro.c.	3 / 10(4) (4) 67 (1).	
	1.⊠ Certified copies of the priority do	ocuments have been received.		
	2. Certified copies of the priority do		pplication No.	
	3. Copies of the certified copies of application from the Internation	the priority documents have been ional Bureau (PCT Rule 17.2(a)).	received in this National Stage	
	See the attached detailed Office action f	•		
14)	Acknowledgment is made of a claim for	• •		on).
15)	<ul> <li>a)                The translation of the foreign langular form the foreign langular form the foreign langular foreign langular</li></ul>	- ,		
Attachme	• •			
2) 🔲 No	tice of References Cited (PTO-892) tice of Draftsperson's Patent Drawing Review (PTO prmation Disclosure Statement(s) (PTO-1449) Pape	9-948) 5) Notice of 1	Summary (PTO-413) Paper No(s)  nformal Patent Application (PTO-152)	

Application/Control Number: 09/748,203

Art Unit: 3636

#### **DETAILED ACTION**

### **Priority**

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

## Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 8 and 9 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Each of claims 1-3, 8 and 9 includes reference to a "quadrilateral frame body" and a "quadrilateral net". The specification as originally filed fails to support these limitations. As such, reference to a "quadrilateral frame body" and a "quadrilateral net" represents new matter in the claims. The invention was originally claimed as including a "square" frame body and a "square" net. Although a square is a quadrilateral, a quadrilateral is not necessarily a square. The limitation of a quadrilateral is significantly broader than the limitation of a squares, etc.

Art Unit: 3636

Note that a quadrilateral has four sides and four angles. A square has four equal sides and four equal angles.

Page 3

### Response to Amendment/Arguments

Applicant's response filed January 16, 2003 has been fully considered. Remaining issues are detailed in the above section. Applicant's arguments are moot in view of the new grounds of rejection necessitated by amendment. The claims are not currently rejected in view of the prior art of record, however note the rejection under 35 U.S.C. 112, first paragraph.

This application contains claims 4-8 drawn to an invention nonelected with traverse in Paper No. 5. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action.

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A cushion structure with a cover member secured thereto is shown by each of Bereday (3675970) and MacCready (4561695).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Application/Control Number: 09/748,203

Art Unit: 3636

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

The fax phone numbers for the organization where this application or proceeding is assigned are 7033053597 for regular communications and 7033053597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 7033082168.

... Application/Control Number: 09/748,203

Art Unit: 3636

Milton Nelson, Jr. Primary Examiner Art Unit 3636

mn

March 31, 2003